

Ethan Preston (263295)
PRESTON LAW OFFICES
8245 North 85th Way
Scottsdale, Arizona 85258
(480) 269-9540 (telephone)
(866-509-1197 (facsimile)
ep@eplaw.us

Robert M. Bramson (102006)
Michael S. Strimling (96135)
BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER, LLP
2125 Oak Grove Road, Suite 120
Walnut Creek, California 94598
(925) 945-0200 (telephone)
(925) 945-8792 (facsimile)
rbramson@bramsonplutzik.com
mstrimling@bramsonplutzik.com

David C. Parisi (162248)
Suzanne Havens Beckman (188814)
PARISI & HAVENS LLP
15233 Valleyheart Drive
Sherman Oaks, California 91403
(818) 990-1299 (telephone)
(818) 501-7852 (facsimile)
dcparsi@parisihavens.com
shavens@parisihavens.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

TIMOTHY and JEANNE DuFOUR and
KENNETH TANNER, individuals, on
their own behalves and on behalf of all
others similarly situated,

Plaintiffs,

v.

BE., LLC, DYNAMIC SHOWCASES,
LLC, California limited liability
companies, MONTEREY FINANCIAL
SERVICES, INC., a California
corporations, BE MARKETING
LIMITED, a private limited company
registered in England and Wales, ERIK
DeSANDO, BARRY FALCK, JACOB
STEINBECK, and DOES 1-100, inclusive,

Defendants.

No. 09-03770-CRB

Judge Charles R. Breyer

**NOTICE OF LODGING PROPOSED
ORDER SEALING PLAINTIFFS'
MEMORANDUM SUPPORTING THE
MOTION FOR CLASS CERTIFICATION
AND SUPPORTING DECLARATION OF
ETHAN PRESTON**

NOTICE OF LODGING

At the direction of the Court's staff and pursuant to Civil Local Rule 5-1(g), Plaintiffs Timothy DuFour and Jeanne DuFour lodged with the Court the proposed order below by emailing a Microsoft Word version of the order below to "CRBpo@cand.uscourts.gov." See U.S. District Court for the Northern District of California, *How do I...?/Where do I...?*, at https://ecf.cand.uscourts.gov/cand/faq/how_do_i/how_do_i.htm (last updated May 3, 2012).

Dated: February 20, 2013

By: s/Ethan Preston

Ethan Preston (263295)
PRESTON LAW OFFICES
8245 North 85th Way
Scottsdale, Arizona 85258
(480) 269-9540 (telephone)
(866-509-1197 (facsimile)
ep@eplaw.us

Robert M. Bramson (102006)
Michael S. Strimling (96135)
BRAMSON, PLUTZIK, MAHLER &
BIRKHAEUSER, LLP
2125 Oak Grove Road, Suite 120
Walnut Creek, California 94598
(925) 945-0200 (telephone)
(925) 945-8792 (facsimile)
rbramson@bramsonplutzik.com
mstrimling@bramsonplutzik.com

David C. Parisi (162248)
Suzanne Havens Beckman (188814)
PARISI & HAVENS LLP
15233 Valleyheart Drive
Sherman Oaks, California 91403
(818) 990-1299 (telephone)
(818) 501-7852 (facsimile)
dcparsi@parisihavens.com
shavens@parisihavens.com

Ethan Preston (263295)
PRESTON LAW OFFICES
8245 North 85th Way
Scottsdale, Arizona 85258
(480) 269-9540 (telephone)
(866-509-1197 (facsimile)
ep@eplaw.us

Robert M. Bramson (102006)
Michael S. Strimling (96135)
BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER, LLP
2125 Oak Grove Road, Suite 120
Walnut Creek, California 94598
(925) 945-0200 (telephone)
(925) 945-8792 (facsimile)
rbramson@bramsonplutzik.com
mstrimling@bramsonplutzik.com

David C. Parisi (162248)
Suzanne Havens Beckman (188814)
PARISI & HAVENS LLP
15233 Valleyheart Drive
Sherman Oaks, California 91403
(818) 990-1299 (telephone)
(818) 501-7852 (facsimile)
dcparsi@parisihavens.com
shavens@parisihavens.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

TIMOTHY and JEANNE DuFOUR and
KENNETH TANNER, individuals, on
their own behalves and on behalf of all
others similarly situated,

Plaintiffs,

v.

BE., LLC, DYNAMIC SHOWCASES,
LLC, California limited liability
companies, MONTEREY FINANCIAL
SERVICES, INC., a California
corporations, BE MARKETING
LIMITED, a private limited company
registered in England and Wales, ERIK
DeSANDO, BARRY FALCK, JACOB
STEINBECK, and DOES 1-100, inclusive,

Defendants.

No. 09-03770-CRB

Judge Charles R. Breyer

**PROPOSED ORDER SEALING
PLAINTIFFS' MEMORANDUM
SUPPORTING THE MOTION FOR
CLASS CERTIFICATION AND
SUPPORTING DECLARATION OF
ETHAN PRESTON**

1 Having reviewed the Plaintiffs' motion to seal portions of their Memorandum of Points
2 and Authorities and the Declaration of Ethan Preston under Civil Local Rule 79-5(d)
3 ("Motion"), the papers presented by Defendant Monterey Financial Services, Inc.
4 ("Monterey") in response to the Motion, and all parties being represented by counsel, and after
5 consideration of all papers filed by the parties, and all other matters presented to the Court, the
6 Court finds that it should grant the Motion.

7 Where material is designated as confidential under a stipulated protective order "and no
8 party has made a 'good cause' showing, then the burden of proof remains with the party
9 seeking protection." *In re Roman Catholic Archbishop of Portland in Oregon*, 661 F.3d 417,
10 424 (9th Cir. 2011) (citation, punctuation omitted). Here, the Court finds that Monterey has
11 demonstrated by "affidavits and concrete examples" that disclosure of the sealed portions of
12 Plaintiffs' Memorandum of Points and Authorities and the Declaration of Ethan Preston
13 "would cause significant harm to its competitive and financial position." *Contratto v. Ethicon*,
14 *Inc.*, 227 F.R.D. 304, 308 (N.D. Cal. 2005) (citations, punctuation omitted). The Court hereby
15 orders that the designated portions in Plaintiffs' Memorandum of Points and Authorities and
16 the Declaration of Ethan Preston submitted in connection with Plaintiffs' Motion for Class
17 Certification are sealed until further notice.

18 Dated:

19 By: _____
20 The Honorable Charles R. Breyer
21 United States District Court Judge for the
22 Northern District of California
23
24
25
26
27
28